

Hamilton County Court of Common Pleas, Division of Domestic Relations

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GENERAL INFORMATION SHEET

Motion to Set Aside Magistrate's Order or Objections to the Magistrate's Decision

In order to properly request to set aside the Magistrate's Order or object to a Magistrate's Decision, the following procedures must be completely followed:

- (1) If you are requesting to set aside a Magistrate's order, you must prepare a written statement indicating why in concise and clear language. This statement must be titled: **MOTION TO SET ASIDE ORDER**. You must refer to the date of the Magistrate's Order within the body of the Motion. This must be filed within 10 days of the date the Magistrate's Order was filed with the Clerk of Courts. You must serve the motion on the opposing side; see instructions regarding methods of service under # 6.
- (2) If you are objecting to a Magistrate's Decision, you must prepare a written statement that states the reasons for your objections in concise and clear language. This statement must be titled: **OBJECTIONS TO MAGISTRATE'S DECISION**. You must refer to the date of the Decision that you are objection to within the body of the Motion. This must be filed within 14 days of the date the Magistrate's Decision was filed with the Clerk of Courts. You must serve the objections on the opposing side; see instructions regarding methods of service under # 6.
- (3) **FINDINGS OF FACT AND CONCLUSIONS OF LAW**: If the Magistrate's Decision does not contain "Findings of Fact and Conclusions of Law" as stated in the caption of the Decision, you may request that the Magistrate prepare and file a written Findings of Fact and Conclusion of Law within 7 days of the date the Magistrate's Decision was filed with the Clerk of Courts. Once the Amended Decision with Findings of Fact and Conclusions of Law has been filed with the Clerk of Courts, you may proceed with your objections as outlined in # 2.
- (4) **WRITTEN TRANSCRIPTS**: If you are disputing an issue of fact in the Order or Decision, you must order a transcript of the hearing conducted by the Magistrate. Failure to do so may result in the dismissal or overruling of your objections.
- (5) **REQUEST FOR A HEARING**: If you are requesting to argue your motion or objections before the assigned Judge, you must request a hearing at the Court's Docket Office, located on the 3rd Floor, Room 3-46, at the time you file your motion or objections. Holding a hearing is discretionary with the assigned Judge. If a hearing is scheduled, the date, time and place of the hearing must be included in the body of the motion or objection. You must appear at the correct date, time and place or your motion or objection is subject to dismissal.
- (6) **REQUIREMENT OF SERVICE**: The original and three copies of the motion or objection are to be first taken to the Court's Docket Office for scheduling and filing. A copy of the motion or objections must be served on the opposing side by regular mail. Service must be done through the Hamilton County Clerk of Courts and the proper paperwork to obtain regular mail service can be obtained from that office, located next to the Court's Docket Office. Service must be completed and evident on the Clerk of Court's docket in order to have your motion or objections heard or ruled on by the assigned Judge.

Please refer to the court's local rules for further explanations of procedures.

THE EMPLOYEES OF THE DOCKET OFFICE ARE NOT PERMITTED TO GIVE LEGAL ADVICE. THIS DOCUMENT IS ONLY A GUIDELINE AND IS NOT MEANT TO ADVISE YOU OF ALL YOUR RIGHTS AND RESPONSIBILITIES. PLEASE CONSULT AN ATTORNEY IF YOU SEEK LEGAL ADVICE OR HAVE ANY ADDITIONAL QUESTIONS.